IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 4262 OF 2005

Shri Dilip Balkrishna Shikhare & Ors. ..Petitioners.

Vs.

State of Maharashtra & Others. ..Respondents.

Mr. Amit B. Borkar for the Petitioners.
Mrs. J.S. Pawar, AGP for Respondents 1 to 3.
Mr. A.Y. Sakhare i/by V.K.S.Legal for Respondent No.4.

CORAM : F.I. REBELLO AND
Dr.D.Y.CHANDRACHUD,JJ.

DATED : 15TH FEBRUARY, 2006.

P.C.:

1. From the reply filed by P.S.Kotolikar, Naib Tahsildar, it appears that a suit has been filed to restrain the defendants therein from executing notices dated 30.05.2005 and 17.06.2005 and an injunction has been granted therein, pending the hearing and final disposal of the suit, from conducting auction for sale of the property. It further appears that the present petitioners were not party to the said suit. Under the circumstances it will be appropriate that while disposing of this petition, following directions are issued :-

i) The petitioners herein to apply to the Trial

Court for being added as defendants and on such application, the trial court to allow the application either of the petitioners, who are party to the petition, or any interested workman or union.

ii) On such addition, it will be open to the added parties to move an application for vacating injunction granted in the suit. The trial court to consider the same uninfluenced by whatsoever stated in the order, granting injunction, and to consider the rights and equities of the workmen.

iii) If the injunction is vacated, the Recovery Officer to take steps to release the workmen's dues in terms of the certificate which is due for recovery.

2. With the above directions, the petition stands disposed of with no order as to costs.

15.02.2006 (F.I.Rebello,J)

(Dr.D.Y.Chandrachud,J)

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